

HOUSE BILL 985

C5, M3, N1

0lr2218
CF SB 713

By: **Delegates Hecht, Ali, Bronrott, Carr, Frush, Manno, Morhaim, and Stein**
Introduced and read first time: February 12, 2010
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public and Commercial Buildings – Energy Benchmarking and Disclosure**

3 FOR the purpose of requiring gas or electric companies to maintain, in a certain
4 format, gas or electric consumption records for nonresidential retail gas or
5 electric customers; requiring a gas or electric company to upload to the EPA
6 Portfolio Manager certain gas or electric consumption records after receiving
7 authorization from an owner or operator of a nonresidential building; requiring
8 that certain commercial buildings be benchmarked each year, beginning in
9 certain years, using the EPA Portfolio Manager, and that an owner or operator
10 of the building submit certain energy benchmarking information to the
11 Maryland Energy Administration; requiring the Administration to include
12 certain information about certain commercial buildings in a certain report,
13 unless the Administration makes the information available to the public in
14 some other manner; requiring that, on or after a certain date, an owner or
15 operator of certain publicly owned buildings and certain privately owned
16 commercial buildings disclose certain energy benchmarking information to
17 certain persons; requiring that certain State buildings be benchmarked
18 annually, beginning in a certain year, using the EPA Portfolio Manager, and
19 that the Department of General Services compile certain benchmarking
20 information and submit the information to the Administration; requiring the
21 Administration to include certain information about certain State buildings in a
22 certain report, unless the Administration makes the information available to
23 the public in some other manner; defining certain terms; and generally relating
24 to the disclosure of energy usage information for public buildings and privately
25 owned commercial buildings.

26 BY adding to

27 Article – Public Utility Companies
28 Section 7–309
29 Annotated Code of Maryland
30 (2008 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 BY adding to
 2 Article – Real Property
 3 Section 10A–101 through 10A–103 to be under the new title “Title 10A. Energy
 4 Benchmarking and Disclosure”
 5 Annotated Code of Maryland
 6 (2003 Replacement Volume and 2009 Supplement)

7 BY adding to
 8 Article – State Finance and Procurement
 9 Section 4–8A–01 through 4–8A–04 to be under the new subtitle “Subtitle 8A.
 10 Energy Benchmarking”
 11 Annotated Code of Maryland
 12 (2009 Replacement Volume)

13 BY repealing and reenacting, with amendments,
 14 Article – State Government
 15 Section 9–20B–12
 16 Annotated Code of Maryland
 17 (2009 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Public Utility Companies**

21 **7–309.**

22 (A) IN THIS SECTION, “EPA PORTFOLIO MANAGER” HAS THE MEANING
 23 STATED IN § 10A–101 OF THE REAL PROPERTY ARTICLE.

24 (B) A GAS COMPANY OR AN ELECTRIC COMPANY SHALL MAINTAIN
 25 RECORDS OF THE GAS OR ELECTRIC CONSUMPTION OF EACH NONRESIDENTIAL
 26 RETAIL GAS CUSTOMER OR RETAIL ELECTRIC CUSTOMER IN A FORMAT THAT IS
 27 COMPATIBLE WITH UPLOADING TO THE EPA PORTFOLIO MANAGER.

28 (C) AFTER RECEIVING AUTHORIZATION FROM THE OWNER OR
 29 OPERATOR OF A NONRESIDENTIAL BUILDING, THE GAS COMPANY OR ELECTRIC
 30 COMPANY SHALL UPLOAD TO THE EPA PORTFOLIO MANAGER THE GAS OR
 31 ELECTRIC CONSUMPTION RECORDS FOR THE ACCOUNTS THAT SERVE THE
 32 BUILDING.

33 **Article – Real Property**

34 **TITLE 10A. ENERGY BENCHMARKING AND DISCLOSURE.**

1 **10A-101.**

2 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "BENCHMARK" MEANS TO OBTAIN ENERGY STATISTICS FOR
5 STRUCTURES COMPARABLE TO A PARTICULAR STRUCTURE AND, IF
6 APPLICABLE, ENERGY STAR RATINGS USING THE EPA PORTFOLIO MANAGER.

7 (C) "EPA PORTFOLIO MANAGER" MEANS THE INTERNET-BASED
8 PORTFOLIO MANAGER ENERGY MANAGEMENT TOOL DEVELOPED BY THE
9 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

10 **10A-102.**

11 (A) THIS SECTION APPLIES TO PRIVATELY OWNED COMMERCIAL
12 BUILDINGS IN THE STATE.

13 (B) (1) BEGINNING IN 2012, A BUILDING OVER 150,000 SQUARE FEET
14 SHALL BE BENCHMARKED EACH YEAR.

15 (2) BEGINNING IN 2013, A BUILDING OVER 50,000 SQUARE FEET
16 SHALL BE BENCHMARKED EACH YEAR.

17 (C) (1) BY JULY 1 OF EACH YEAR, THE OWNER OR OPERATOR OF A
18 BUILDING THAT MUST BE BENCHMARKED UNDER SUBSECTION (B) OF THIS
19 SECTION SHALL SUBMIT TO THE MARYLAND ENERGY ADMINISTRATION THE
20 BUILDING'S BENCHMARKING DATA AND RATINGS FOR THE PREVIOUS CALENDAR
21 YEAR.

22 (2) UNLESS THE MARYLAND ENERGY ADMINISTRATION MAKES
23 THE BENCHMARKING DATA AND RATINGS AVAILABLE TO THE PUBLIC IN SOME
24 OTHER MANNER, THE ADMINISTRATION SHALL INCLUDE THE DATA AND
25 RATINGS IN THE REPORT REQUIRED UNDER § 9-20B-12 OF THE STATE
26 GOVERNMENT ARTICLE.

27 **10A-103.**

28 (A) THIS SECTION APPLIES TO:

29 (1) PUBLICLY OWNED BUILDINGS IN THE STATE; AND

30 (2) PRIVATELY OWNED COMMERCIAL BUILDINGS IN THE STATE.

1 **(B) ON OR AFTER JANUARY 1, 2014, THE OWNER OR OPERATOR OF A**
2 **BUILDING WITH AN AREA OF MORE THAN 10,000 SQUARE FEET SHALL DISCLOSE**
3 **THE BUILDING’S BENCHMARKING DATA AND RATINGS FOR THE MOST RECENT**
4 **24-MONTH PERIOD TO:**

5 **(1) EACH LESSEE OF MORE THAN 2,000 SQUARE FEET OF THE**
6 **BUILDING; AND**

7 **(2) A PROSPECTIVE:**

8 **(I) BUYER OF THE BUILDING;**

9 **(II) LESSEE OF MORE THAN 2,000 SQUARE FEET OF THE**
10 **BUILDING; AND**

11 **(III) LENDER THAT WOULD FINANCE THE LEASE OR**
12 **PURCHASE OF MORE THAN 2,000 SQUARE FEET OF THE BUILDING.**

13 **Article – State Finance and Procurement**

14 **SUBTITLE 8A. ENERGY BENCHMARKING.**

15 **4-8A-01.**

16 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
17 **INDICATED.**

18 **(B) “BENCHMARK” HAS THE MEANING STATED IN § 10A-101 OF THE**
19 **REAL PROPERTY ARTICLE.**

20 **(C) “BUILDING” MEANS A NONRESIDENTIAL STRUCTURE WITH AN AREA**
21 **OF AT LEAST 10,000 SQUARE FEET THAT IS OWNED OR OPERATED BY THE**
22 **STATE.**

23 **(D) “EPA PORTFOLIO MANAGER” HAS THE MEANING STATED IN §**
24 **10A-101 OF THE REAL PROPERTY ARTICLE.**

25 **4-8A-02.**

26 **BEGINNING IN 2012, EACH STATE BUILDING SHALL BE BENCHMARKED**
27 **EACH YEAR.**

28 **4-8A-03.**

1 **(A) THE DEPARTMENT SHALL:**

2 **(1) COMPILE THE BENCHMARKING DATA AND RANKINGS FOR**
3 **EACH BUILDING; AND**

4 **(2) SUBMIT THE BENCHMARKING DATA AND RATINGS TO THE**
5 **MARYLAND ENERGY ADMINISTRATION.**

6 **(B) UNLESS THE MARYLAND ENERGY ADMINISTRATION MAKES THE**
7 **BENCHMARKING DATA AND RATINGS AVAILABLE TO THE PUBLIC IN SOME**
8 **OTHER MANNER, THE ADMINISTRATION SHALL INCLUDE THE DATA AND**
9 **RATINGS IN THE REPORT REQUIRED UNDER § 9-20B-12 OF THE STATE**
10 **GOVERNMENT ARTICLE.**

11 **4-8A-04.**

12 **THE DISCLOSURE REQUIREMENTS OF § 10A-103 OF THE REAL PROPERTY**
13 **ARTICLE APPLY TO STATE BUILDINGS.**

14 **Article – State Government**

15 **9-20B-12.**

16 (a) On or before January 1 of each year, the Administration shall report to
17 the Governor and, in accordance with § 2-1246 of this article, to the General Assembly
18 on:

19 **(1) the uses and expenditures of the Fund from the prior fiscal year;**
20 **AND**

21 **(2) ENERGY BENCHMARKING DATA AND RATINGS FOR**
22 **COMMERCIAL AND STATE BUILDINGS IN THE STATE.**

23 (b) The report shall include:

24 (1) a detailed accounting of all amounts received by and disbursed
25 from the Fund;

26 (2) all amounts used by the Administration for administrative
27 purposes;

28 (3) programs, projects, and activities included in each category under §
29 9-20B-05(g) of this subtitle;

1 (4) the status of programs, projects, activities, and investments
2 implemented with funds from the Fund, including an evaluation of the impact of the
3 programs, projects, activities, and investments that are directed to low-income or
4 moderate-income residential sectors or to other particular classes of ratepayers;

5 (5) an estimate of electricity savings from the programs, projects,
6 activities, and investments;

7 (6) the number of allowances sold in each auction;

8 (7) the average allowance price from each auction;

9 (8) an estimate of revenue from future auctions; **[and]**

10 (9) recommendations for changes to the allocation of funds under
11 § 9-20B-05(g) of this subtitle; **AND**

12 **(10) ENERGY BENCHMARKING DATA AND RATINGS SUBMITTED TO**
13 **THE ADMINISTRATION UNDER § 10A-102 OF THE REAL PROPERTY ARTICLE**
14 **AND § 4-8A-03 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2010.